



Attorney Docket No.: PATENT  
AVALUC-00301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Connie Blackburn *et al.*

Serial No.: 09/512,838

Filed: February 25, 2000

For: **A SYSTEM AND METHOD OF  
BILLING A PREDETERMINED  
TELEPHONE LINE FOR SERVICE  
UTILIZED BY A CALLING PARTY**

Art Unit: 2643

Examiner: Tran, Q.

**TRANSMITTAL LETTER**

162 North Wolfe Road  
Sunnyvale, California 94086  
(408) 530-9700

Customer Number 28960

**RECEIVED**

OCT 21 2004

**Technology Center 2600**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find Notice Of Appeal including a three month extension of time for filing with the U.S. Patent and Trademark Office. A check in the amount of \$1,320.00 (\$340.00 to cover the fee for filing a notice of appeal, per 37 C.F.R. § 1.17(b) plus \$980.00 to cover the three month extension of time). Also enclosed is a copy of the Petition for Refund of Paid 3 Month Extension of Time Fee (37 C.F.R. § 1.181) as filed October 15, 2004.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,  
**HAVERSTOCK & OWENS LLP**

Adjustment date: 12/03/2004 SDIRETA1  
10719/2004-JBALINAN 00000040 09512838  
02 FC:1253 -980.00 DP

Dated: October 15, 2004

By: Thomas B. Haverstock  
Thomas B. Haverstock  
Reg. No.: 32,571

Attorneys for Applicants

**CERTIFICATE OF MAILING (37 CFR § 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

**HAVERSTOCK & OWENS LLP.**

Date: 10-15-04

- 1 -

Refund Ref: SDIRETA1 0000140551 ME  
12/03/2004

CHECK Refund Total: \$980.00



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For: **A SYSTEM AND METHOD OF  
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TELEPHONE LINE FOR SERVICE  
UTILIZED BY A CALLING PARTY**

) Group Art Unit: 2643

) Examiner: Tran, Q.

) **PETITION FOR REFUND OF PAID 3**  
) **MONTH EXTENSION OF TIME FEE**  
) **(37 C.F.R. § 1.181)**

) 162 North Wolfe Road  
) Sunnyvale, California 94086  
) (408) 530-9700

) Customer No.: 28960

MS: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for refund of three month extension of time fee for the following reasons:

1. The Office mailed a Final Office Action on April 16, 2004. Within the Final Office Action, a shortened statutory period for reply was set to expire 3 months from the mailing date.
2. Applicant filed an Amendment and Response to Final Office Action on June 1, 2004, which was within the 2 month time frame for receiving an Advisory Action from the Office. Exhibit A includes a copy of the Certificate of Mailing showing the mailing date to be June 1, 2004. Exhibit B includes a copy of the return receipt postcard showing that the Office received the Applicant's Amendment and Response to Final Office Action on June 3, 2004.
3. The Applicant has spoken with the Examiner via telephone and requested the current status of the Advisory Action, the current status of the Application, and the current

disposition of the claims, in light of the pending 6 month statutory period for reply. As of October 15, 2004, the current status of the Advisory Action, the current status of the Application, and the current disposition of the claims remains unknown.

4. To reply within the 6 months maximum statutory period for reply and to avoid abandonment of the application, on October 15, 2004, the Applicant filed a Notice of Appeal and paid the 3 month extension of time fee, \$980.00.
5. The Applicant requests a refund of the paid 3 month extension of time fee, \$980.00, as it is due to the lack of an Advisory Action from the Office that delayed a reply from the Applicant beyond the 3 month shortened statutory period for reply.

Dated: 10-15-04

By: Thomas B. Haverstock

Thomas B. Haverstock

Reg. No.: 32,571

Attorneys for Applicant

35 U.S.C. § 413(a) (3) (i) (2)  
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HAVERSTOCK & OWENS LLP.

Date: 10-15-04

John D. Owens



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Attorney Docket No.: AVALUC-00301

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Serial No.: 09/512,838

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) Group Art Unit: 2643

) Examiner: Tran, Q.

) **TRANSMITTAL LETTER**

) 162 North Wolfe Road  
) Sunnyvale, California 94086  
) (408) 530-9700

) Customer Number 28960

MS: Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find an Amendment and Response to the Final Office Action mailed on April 16, 2004 for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: June 1, 2004

By: Thomas B. Haverstock  
Thomas B. Haverstock  
Reg. No.: 32,571

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 6-1-04 By: [Signature]

Attorneys for Applicants



Serial No.: 05/512,338

H&O File No.: AVAWC-00351 By: TBH

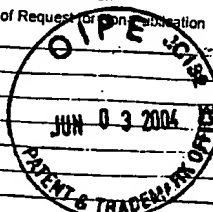
In the Matter of The Application of: Connie Blackburn et al.

Date Mailed: 6-1-04

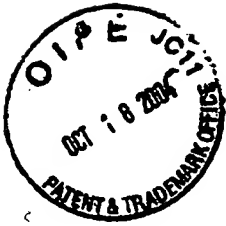
Due Date: 7-16-04

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input type="checkbox"/> Design Patent Application _____ Pages	<input type="checkbox"/> Form PTO-1533 (Not of Missing Parts)	<input checked="" type="checkbox"/> Transmittal Letter <input checked="" type="checkbox"/> Duplicate
<input type="checkbox"/> Utility Patent Application _____ Pages	<input type="checkbox"/> Form PTO-1533 (Issued Fee Trans.) & dup.	<input checked="" type="checkbox"/> Certificate of Mailing
<input type="checkbox"/> Prov. Patent Application _____ Pages	<input type="checkbox"/> Form PTO-1059 (Cert. of Correction)	<input type="checkbox"/> Certificate of Express Mailing
<input type="checkbox"/> Declaration/Oath	<input type="checkbox"/> Maintenance Fee Transmittal Form	Label No.: _____
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Reexamination Request	<input type="checkbox"/> Check(s): \$ _____
<input type="checkbox"/> Assignment	<input type="checkbox"/> Notice of Appeal	<input checked="" type="checkbox"/> Deposit Account Authorization Form
<input type="checkbox"/> Form PTO-1533-1595	<input type="checkbox"/> Affidavit/Declaration	
<input type="checkbox"/> Primary Statement	<input type="checkbox"/> Copy of Filing Receipt	
<input type="checkbox"/> Drawings: _____ Sheets(s)	<input type="checkbox"/> Fee for Correction	
<input type="checkbox"/> Form PTO-1533-1595	<input type="checkbox"/> Request for Non-Publication	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Rescission of Request for Non-Publication	
<input type="checkbox"/> Form PTO-1449 and Continuation		
<input type="checkbox"/> References Cited/Notations hereon		
<input type="checkbox"/> Information Disclosure Certification		
<input checked="" type="checkbox"/> Amendment/Response		
<input type="checkbox"/> Extension of Time Request _____ Months		
<input type="checkbox"/> Petition		



FOR PTO USE



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MS: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Petition for Refund of Paid 3 Month Extension of Time Fee including Exhibit A and Exhibit B for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: October 15, 2004

By: Thomas B. Haverstock  
Thomas B. Haverstock  
Reg. No.: 32,571

Attorneys for Applicants

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HAVERSTOCK & OWENS LLP.

Date: 10-15-04 By: Juan D. Rios